

1 PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
2 Nicholas A. Carlin, Cal. Bar No. 112532
3 nac@phillaw.com
4 39 Mesa Street, Suite 201
5 The Presidio
6 San Francisco, CA 94129
7 415-398-0900 (tel)

8 CREITZ & SEREBIN LLP
9 Joseph A. Creitz, Cal. Bar No. 169552
10 joe@creitzserebin.com
11 Lisa S. Serebin, Cal. Bar No. 146312
12 lisa@creitzserebin.com
13 250 Montgomery Street, Suite 1400
14 San Francisco, CA 94104
15 415.466.3090 (tel)
16 415.513.4475 (fax)

17 Attorneys for Plaintiff

18 **IN THE UNITED STATES DISTRICT COURT**
19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 DAVID BAIN, ALAINA BAIN, and
22 DAYNA BAIN, individuals,

23 Plaintiff,

24 v.

25 UNITED HEALTHCARE INC., et
26 al.,

27 Defendants.

Case No.: 15-cv-3305-EMC

**JOINT STIPULATION FOR
ADDITIONAL TIME TO
SUBMIT DISCOVERY PLAN
PER Dkt. Entry 52, and**

~~[proposed]~~ **ORDER**

28 *Bain v. United, 15-cv-3305-EMC*
STIPULATED REQUEST FOR EXTENSION OF TIME
TO FILE JOINT DISCOVERY LETTER

1 On September 23, 2016 the Court issued its order following the case
2 management conference, directing the parties to meet and confer and submit a
3 joint letter including a plan for written discovery within three weeks of the result of
4 the meet and confer. (Dkt. Entry 52). Plaintiffs understood that such joint letter was
5 to be filed within three weeks following the prior case management conference
6 (*i.e.*, by October 13, 2016). Defendants understood that such joint letter was to be
7 filed within three weeks following the completion of an ongoing meet and confer
8 (*i.e.*, no hard deadline).

9 Regardless, counsel for Plaintiffs and counsel for the Defendant commenced
10 the contemplated meet-and-confer in person immediately following the prior case
11 management conference on September 23, 2016, in which Plaintiffs agreed to send
12 proposed written discovery requests to Defendant for review and consideration as
13 to whether any disputes may exist as to the proposed discovery and to provide the
14 parties an opportunity to determine whether any such disputes could be resolved
15 informally. Thereafter, consistent with their discussions, on October 11, 2016,
16 Plaintiffs' counsel delivered to Defendant's counsel two Requests for Admissions,
17 three Interrogatories, and eleven Requests for Production of Documents that
18 Plaintiffs propose to propound. However, a filing deadline of October 13, 2016, as
19 understood by Plaintiffs, does not afford Defendant adequate time to fully review
20 and consider its position with respect to the written discovery requests proposed by
21 Plaintiffs. Among other things, per Defendant's initial review, Defendant believes
22 that some or all of Plaintiffs' proposed discovery requests are objectionable in light
23 of the Court's order, and otherwise. (*See* Dkt. Entry 52). Additionally, Defendant
24 has not yet been able to determine what information it has that may be responsive
25 to any of Plaintiffs' proposed requests, and until it does so it cannot take a final
26

position on any objections, agreements, or disagreement that would need to be presented to the Court for resolution.

The parties therefore agree that additional time is required in order to determine what of the above-referenced discovery the parties can agree upon, and what disputes they believe they will need the Court to resolve.

Therefore, the parties through their respective counsel do hereby stipulate and request that the Court order the parties to file the joint discovery letter contemplated by its September 23, 2016 Order (Dkt. Entry 52) *on or before October 27, 2016*, or by such later time as the Court deems appropriate under the circumstances.

Respectfully submitted.

Dated: October 13, 2016

/s/ Joseph A. Creitz

Joseph A. Creitz,
CREITZ & SEREBIN LLP

/s/ Nicholas A. Carlin

Nicholas A. Carlin,
PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP

Counsel for Plaintiffs

Dated: October 13, 2016

/s/ Timothy J. Nally

Greg L. Johnson
Timothy J. Nally
LEWIS BRISBOIS BISGAARD & SMITH, LLP
Counsel for Defendant United

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: October 13, 2016

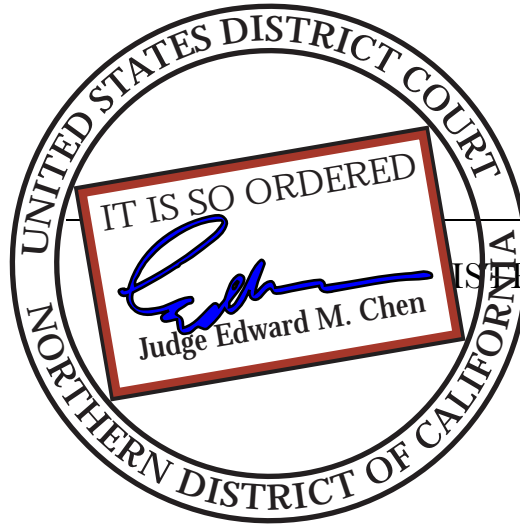
/s/ Joseph A. Creitz
Attorney for Plaintiff

ORDER UPON STIPULATION

Pursuant to the stipulation of the parties and good cause appearing, the court hereby orders that the parties shall file the joint discovery letter contemplated by Dkt. Entry 52 no later than October 27, 2016.

IT IS SO ORDERED.

Dated: October ¹⁷____, 2016



DISTRICT JUDGE

Bain v. United, 15-cv-3305-EMC
STIPULATED REQUEST FOR EXTENSION OF TIME
TO FILE JOINT DISCOVERY LETTER